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January 4, 2021

**VIA ELECTRONIC FILING**

The Honorable Jocelyn G. Boyd  
Chief Clerk/Administrator  
**Public Service Commission of South Carolina**  
101 Executive Center Drive  
Columbia, South Carolina 29210

RE: Dominion Energy South Carolina, Incorporated's Establishment of a  
Solar Choice Metering Tariff Pursuant to S.C. Code Ann. Section 58-40-  
20 (See Docket No. 2019-182-E)  
Docket No. 2020-229-E

Dear Ms. Boyd:

Enclosed for filing on behalf of Dominion Energy South Carolina, Inc. ("DESC")  
is DESC's Response in Opposition to Motion to Require Additional Notice and  
Establish a Public Participation Hearing.

By copy of this letter DESC is providing a copy of the Response to the parties  
of record and encloses a certificate of service to that effect.

If you have any questions or need anything further, please do not hesitate to  
contact me.

Very truly yours,

A handwritten signature in blue ink that reads "Matthew W. Gissendanner".

Matthew W. Gissendanner

MWG/kms  
Enclosures

cc:	Jeffrey M. Nelson, Esquire	Thadeus B. Culley, Esquire
	Jeffrey W. Kuykendall, Esquire	R. Taylor Speer, Esquire
	Jenny R. Pittman, Esquire	Katherine N. Lee, Esquire
	(all via electronic mail and U.S. First Class Mail w/enclosures)	

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION**  
**OF SOUTH CAROLINA**  
**DOCKET NO. 2020-229-E**

<b>IN RE:</b>	)	
	)	
Dominion Energy South Carolina,	)	<b>DOMINION ENERGY SOUTH</b>
Incorporated's Establishment of a Solar Choice	)	<b>CAROLINA, INC.'S RESPONSE IN</b>
Metering Tariff Pursuant to S.C. Code Ann.	)	<b>OPPOSITION TO MOTION TO</b>
Section 58-40-20	)	<b>REQUIRE ADDITIONAL NOTICE</b>
	)	<b>AND ESTABLISH A PUBLIC</b>
	)	<b>PARTICIPATION HEARING</b>
	)	

Pursuant to S.C. Code Ann. Reg. 103-829, Dominion Energy South Carolina, Inc. (“DESC”) submits its Response in Opposition to Motion to Require Additional Notice and Establish a Public Participation Hearing to the Public Service Commission of South Carolina (the “Commission”) in the above-captioned matter.

## INTRODUCTION AND PROCEDURAL BACKGROUND

S.C. Act No. 62 of 2019 (“Act 62”), which was signed into law on May 16, 2019, requires the Commission to establish a new net energy metering program for South Carolina (the “Solar Choice Program”) for customers submitting applications after May 21, 2021. Pursuant to that mandate, the Commission established the above-referenced docket on September 16, 2020,<sup>1</sup> to review and evaluate DESC’s proposed Solar Choice Program tariffs (the “Solar Choice Tariffs”). On December 16, 2020, the Clerk’s Office issued a Revised Notice of Filing and Hearing and Prefile Testimony Deadlines (the “Clerk’s Notice”) in the above-referenced docket, which directed DESC to file Direct Testimony and Exhibits on December 15, 2020, with the hearing commencing on February 23, 2021. The Solar Choice Tariffs will be the successor NEM option to DESC’s current NEM programs (the “Current NEM Programs”), which were established pursuant to a

<sup>1</sup> See Order No. 2020-622.

settlement under Act 236 (the “NEM Settlement”) and approved by the Commission on March 20, 2015. However, by filing the Motion to Require Additional Notice and Establish a Public Participation Hearing (the “Motion”) in the above-referenced docket, Vote Solar attempts to distract and delay the Commission in its mission to fulfill the Solar Choice-related requirements within Act 62 by advancing both unsubstantiated and unrelated claims while using the buzz words “due process” to completely distort the realities of this docket. For these and the reasons set forth below, DESC respectfully requests that the Commission deny the Motion in its entirety and consider any remaining issues in a separate docket.

### **RESPONSE TO VOTE SOLAR’S EFFORTS TO DISTRACT AND DELAY**

#### **I. VOTE SOLAR’S ALLEGED “DUE PROCESS” CONCERNS ARE NOT BASED IN LAW OR ACTUAL EVENTS.**

##### **A. DESC complied with the validly-issued Clerk’s Notice by filing Direct Testimony in this docket.**

Vote Solar ignores the procedural history of this docket when claiming that DESC should submit an application in this docket because—as Vote Solar claims—it is “customary” to do so. DESC did not seek to establish the Solar Choice Tariffs on its own. Rather, Act 62 required DESC to do so. To be clear, this docket was established by the Commission pursuant to Act 62 to create the next iteration of NEM in South Carolina. Order No. 2020-622 directed the Clerk’s Office to establish deadlines and a hearing date for this docket. As a result, the Clerk’s Notice was issued, which requires DESC to submit “Direct Testimony and Exhibits”—not an application.<sup>2</sup> In accordance with the timelines within Act 62, the Clerk’s Notice established filing deadlines and a hearing date to ensure that the Commission can conduct a robust proceeding while still approving

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<sup>2</sup> As discussed below, Vote Solar concedes this point in its own Motion.

tariffs that will be effective for customers applying for NEM “after May 31, 2021.”<sup>3</sup> Additionally, the Clerk’s Notice set an intervention deadline for January 15, 2021—well after DESC is required to provide notice to all affected customers.

Despite the validly-issued Clerk’s Notice, Vote Solar seems to imply that—even though DESC’s filing complies with Act 62, the Clerk’s Notice, and the Commission’s rules and regulations—without filing an actual application, existing NEM customers would somehow be shocked by the expiration of the Current NEM Programs. This is simply not the case because, as described below, customers were afforded notice on numerous occasions. Furthermore, Vote Solar supported the Commission’s current schedule and procedural deadlines for this matter at the time it was established, and only raises its concerns now, apparently for purposes of delay and distraction.<sup>4</sup> In fact, Vote Solar authorized counsel for DESC to “inform the Commission that Vote Solar supports DESC’s proposed procedural schedule.”<sup>5</sup> That Vote Solar supported the current schedule and procedural posture in the Clerk’s Notice and waited until after DESC had filed its direct testimony in this docket to first raise its purported concerns is simply disingenuous and raises clear questions regarding Vote Solar’s motives in filing the instant maneuver. As described below, there are simply no circumstances that warrant Vote Solar’s unusual request to stray from the schedule and filing requirements it supported that were approved by this Commission in accordance with Act 62.

**B. DESC’s Current NEM Customers were provided notice on numerous occasions that the Current NEM Programs would expire.**

The Motion’s call for “additional notice” to customers under Current NEM Programs (“Current NEM Customers”) ignores reality and in no way advances due process. Specifically, the

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<sup>3</sup> S.C. Code Ann. § 58-40-20(F)(1).

<sup>4</sup> The schedule set by the Clerk’s Notice was first proposed by DESC by letter dated August 31, 2020, in Docket No. 2019-182-E, with the support of Vote Solar.

<sup>5</sup> See DESC Letter dated August 31, 2020, in Docket No. 2019-182-E, at p. 2-3.

Motion argues that Current NEM customers should be afforded “additional notice” in the form of an email or direct mail that the Current NEM Programs will expire. The fact that the Current NEM Programs would not remain indefinitely available to customers should come as no surprise—customers were advised that these programs would expire from the very beginning. For example, on March 20, 2015, the Commission approved the NEM Settlement, which states that customer-generators have the right to service “according to the terms and conditions specified in [the NEM Settlement] through December 31, 2025.”<sup>6</sup> On May 16, 2019, Act 62 became effective, which states that customers applying prior to June 1, 2021, may either continue service under Current NEM Programs until 2025 or 2029, depending upon when they applied. Act 62 also mandates that the Commission establish new, different NEM programs. Likewise, DESC has provided notice to customer-generators that the Current NEM Programs will expire and that the cost structure of any successor programs may vary. For example, the tariffs for the Current NEM Programs—which are publicly available on the DESC website—notify customers of the applicable expiration date. Exhibit 1 contains DESC’s Second NEM Rider. The very first words at the top of the Availability section, in red, are:

Effective May 4, 2019, this rider is closed and not available to any new participants. This rider terminates effective December 31, 2025, for all existing participants. After the termination date, rider participants may choose to receive service under any other schedule for which they qualify.<sup>7</sup>

Exhibit 2 contains DESC’s Third NEM Rider developed for customers applying after the enactment of Act 62, but prior to the establishment of the Solar Choice Tariffs. Item 3 under General Provisions states:

Customers electing service under this NEM Rider are eligible to remain on the Rider until May 31, 2029, or until such time as the customer elects to terminate service under the Rider, whichever occurs first.

<sup>6</sup> Order No. 2015-194, at Exhibit 1, p. 6. (emphasis added). DESC notes that the NEM Settlement also contemplated a replacement to such tariffs to be filed no later than January 31, 2020.

<sup>7</sup> Likewise, the expiration date is reiterated in Item 3 of the rider’s General Provisions.

Additionally, DESC voluntarily implemented another measure to ensure these customers are aware of the finite term of these NEM programs by including the expiration dates for such programs in the application confirmation received by potential customers when applying for interconnection. Furthermore, the Clerk's Office directed DESC to (i) publish the Clerk's Notice in newspapers of general circulation and (ii) provide the Clerk's Notice to "each affected customer" no later than January 8, 2021. This means that in addition to the clear notices listed above (the NEM Settlement, Act 62, and the NEM tariffs themselves) DESC will publish additional notice, and it will also alert "each affected customer" approximately 6 weeks in advance of hearing. In the extremely unlikely event that a Current NEM Customer would only be informed that the Current NEM Programs have an expiration date via the Clerk's Notice, that customer would have ample time to petition the Commission to intervene or otherwise voice their comments.<sup>8</sup>

As described above, Vote Solar goes on to opine that simply filing the tariffs in the form of an "application" would remedy the various alleged infirmities of DESC's filing by providing notice and informing customers of how they will be impacted.<sup>9</sup> However, the Solar Choice Tariffs are compliance filings and DESC properly submitted "Direct Testimony and Exhibits" as required by the Clerk's Notice. Vote Solar concedes this point, but conveniently stows that acknowledgement into a footnote in the Motion, which reads:

Vote Solar acknowledges that the Commission initiated the docket under its own authority to implement Act 62.

The reality is that the Solar Choice Program is voluntary. Unlike general service rates established before the Commission, the Solar Choice Tariffs will not be automatically imposed upon

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<sup>8</sup> The Commission also has the power to grant out-of-time Petitions to Intervene and has already done so in this docket.

<sup>9</sup> DESC filed extensive testimony detailing precisely how rate mechanisms would impact customers. To the extent Vote Solar remains unclear as to the mechanics of the tariff, discovery or rebuttal testimony would be an appropriate avenue to address those concerns, rather than the instant Motion.

customers. This means that these existing customers will have ample opportunity to evaluate whether, after the Current NEM Programs expire, enrolling in the Solar Choice Program is a viable option for those customers. As discussed above, Current NEM Customers can maintain service under the Current NEM Programs<sup>10</sup> until 2025 or 2029 depending upon when they enrolled, which means that those customers would be ineligible to enroll in the Solar Choice Program for at least 4 more years—far from the dramatic narrative pushed by Vote Solar. In the unlikely event that a Current NEM Customer first learns of the Solar Choice Tariffs two years from now, there would still be ample opportunity for that customer to petition the Commission, as appropriate. As such, it seems that the Motion simply attempts to distract and delay this Commission by focusing upon immaterial procedural aspects—perhaps to distract from the current problems stemming from subsidization and cost-shift identified in Docket No. 2019-182-E—all while forcing DESC to incur more costs that ultimately fall upon the ratepayers with which Vote Solar is apparently concerned.

**C. An additional public hearing is unnecessary given the existing avenues by which customers can ensure their rights are protected.**

By declaring that “opportunities for intervention and an evidentiary hearing are not sufficient to provide the public opportunity to be heard,” Vote Solar simply ignores the notice procedures established by the Commission, the role of the South Carolina Office of Regulatory Staff (the “ORS”), and the mandates within Act 62. For example, Vote Solar would have this Commission interpret Act 62 in a “colloquial” manner to arrive at the conclusion that the only way the Commission can fulfill Act 62’s mandate of “an opportunity for public comment and public hearing”<sup>11</sup> is to establish another hearing in addition to the evidentiary hearing scheduled for this docket. This interpretation is disingenuous given that the Clerk’s Notice, attached as Exhibit 3,

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<sup>10</sup> DESC notes that no application was submitted in the docket that established the Current NEM Programs—2014-246-E.

<sup>11</sup> S.C. Code Ann. § 58-40-20(F)(1). (emphasis added).

expressly cites the “public comment and public hearing” section of Act 62 when establishing the procedural schedule and hearing dates in this docket. Clearly, the Commission has fulfilled its mandate.

Vote Solar goes on to boldly state that the “record of this case would be incomplete without the perspective and public testimony of affected customer-generators.”<sup>12</sup> Again, Vote Solar ignores reality. The legislature created an entity that ensures the perspective of customers in South Carolina is represented in all proceedings before the Commission—the ORS.<sup>13</sup> The ORS is empowered by the legislature to represent the “concerns of the using and consuming public with respect to public utility services, regardless of class of customer.”<sup>14</sup> Likewise, Act 62 mandates that any Solar Choice Tariff approved by the Commission “fairly allocate costs and benefits.”<sup>15</sup> Lastly, the Commission itself has spoken on this very issue, and noted that the primary purpose for these additional public hearings (i.e., a night hearing or local public hearing) is to provide an avenue for customers who may not be able to attend or monitor the evidentiary hearing.<sup>16</sup> However, the hearing will be virtual, which eliminates the primary concern underlying the primary motivation of these additional public hearings. As such, and in accordance with Commission precedent,<sup>17</sup> sufficient opportunity exists for customers to attend the evidentiary hearing and express their opinions. Taken together, Vote Solar’s claim that additional “public testimony” is the only way to develop a complete record is simply false.

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<sup>12</sup> Motion, at p. 8.

<sup>13</sup> S.C. Code Ann. § 58-4-10(A) mandates that the ORS “must be considered a party of record in all filings, applications, or proceedings before the Commission.”

<sup>14</sup> S.C. Code Ann. § 58-4-10(B).

<sup>15</sup> S.C. Code Ann. § 58-40-20(A)(3).

<sup>16</sup> *See, e.g.*, Order No. 2006-245 (“[a] local public hearing will allow interested customers . . . who cannot attend the hearing in Columbia to appear and present testimony and evidence.”).

<sup>17</sup> *See* Order No. 88-1045 (ordering that notifying affected customers and publishing the procedural schedule satisfied the utility’s burden, and such utility is under no obligation to contact media outlets); Order No. 79-369 (ordering that an additional public hearing is unwarranted because the schedules hearing provided sufficient opportunity “for the expression of customer opinion.”).



## II. THE MOTION RAISES TROUBLING CONCERNS REGARDING EXISTING ROOFTOP SOLAR LEASING PRACTICES IN SOUTH CAROLINA.

The Motion states that:

Vote Solar is particularly concerned that a large number of low-income or moderate-income customers may have taken advantage of twenty-year solar leases to avoid the upfront capital costs of installation and will face significant hardship from the rate shock associated with the subscription fee. It is Vote Solar's opinion and belief that low-income customers are more likely to avail themselves of a lease to gain access to the solar savings of NEM, because of difficulties otherwise paying for or financing the upfront capital costs of going solar.<sup>18</sup>

(emphasis added).

Although DESC is not directly involved with rooftop solar leases in South Carolina, DESC does have an interest in ensuring its ratepayers are protected from predatory behavior as it relates to the service DESC provides. As outlined above, the expiration dates of the Current NEM Programs have been set since the inception of the programs and provided to customers via multiple avenues. Yet—as noted by Vote Solar—twenty-year leases are being offered to these NEM customers. Offering twenty-year leases with the knowledge that those customers could remain under the same NEM program for no longer than ten years is striking considering that many of those customers, according to Vote Solar, could be low-income consumers that would be especially vulnerable to changes in NEM rate structures. Indeed, these concerns are echoed within Act 62. Although the ORS maintains a certificate registry for approved rooftop solar lessors, Act 62 requires the ORS and the Department of Consumer Affairs to develop additional regulations that would provide stricter controls over the form and content of rooftop solar leases in South Carolina.<sup>19</sup>

DESC appreciates Vote Solar raising its concerns and supports its request to review NEM-related leasing practices in South Carolina. Although DESC acknowledges that Vote Solar's request is outside the scope of this docket, DESC is not opposed to the request, provided it is in a

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<sup>18</sup> Motion, at n.10

<sup>19</sup> S.C. Code Ann. § 58-27-2660(A)(1).

separate proceeding. Combining these unrelated matters in the current proceeding is outside the scope of Act 62 and the Commission's actions, and would likely cause added expense and delay in this docket.

As such, DESC would welcome the Commission granting the request by opening a separate, generic docket or other proceeding to provide Vote Solar with the opportunity to further explain and provide evidence of abusive leasing practices in South Carolina. DESC would anticipate intervening in such a docket and collaborating with Vote Solar and other industry stakeholders to better understand how the representations made by rooftop solar lessors in South Carolina are impacting DESC's customers.<sup>20</sup>

### **CONCLUSION**

Current NEM Customers have notice of the current NEM deadlines, regardless of whether an "application" is filed. Furthermore, the Clerk's Notice provides additional notice, is validly issued pursuant to Act 62, was supported by Vote Solar, and requires DESC to submit "Direct Testimony and Exhibits." Existing customers may monitor the hearing or even participate in this docket given that the hearing remains almost two months away and the modified intervention deadline has not passed. Even if no existing customers choose to participate in this docket, Act 62 and the ORS ensure that the interests of all DESC customers—not just the existing customer-generators upon which Vote Solar is focused—are represented and accounted for in this docket. Regardless, Current NEM Customers would have the opportunity before 2025 or 2029, as applicable, to evaluate whether the Solar Choice Tariffs are an appropriate option for them, and DESC will not simply hoist these customers upon another NEM rate schedule given that these

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<sup>20</sup> As described above, DESC has already voluntarily implemented measures to ensure that these customers are well-aware of the expiration dates of the NEM programs. Despite DESC's efforts to date, DESC would be interested to monitor and learn more about the impact of leasing practices on its customers.

programs are voluntary.<sup>21</sup> Although DESC acknowledges that Vote Solar raises valid concerns regarding leasing practices in South Carolina which should be examined in a separate docket, the record indicates that Current NEM Customers have had—and continue to have—ample time and opportunity to provide perspective on the Solar Choice Tariffs without the burden of scheduling yet another public hearing via a strained interpretation of Act 62. For these reasons, and for those set forth above, the Motion should be denied.

Respectfully Submitted,




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***Attorneys for Dominion Energy South Carolina, Inc.***

Cayce, South Carolina

This 4th day of January, 2021.

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<sup>21</sup> The Motion focuses solely upon existing customer-generators who likely will not be affected, if at all, by these rates until 2025 at the earliest.

**EXHIBIT 1**

See attached.

## RIDER TO RETAIL RATES

SECOND NET ENERGY METERING FOR  
RENEWABLE ENERGY FACILITIES ("NEM")  
(Page 1 of 4)

## AVAILABILITY

**Effective May 4, 2019, this rider is closed and not available to any new participants. This rider terminates effective December 31, 2025, for all existing participants. After the termination date, rider participants may choose to receive service under any other schedule for which they qualify.**

This rider is available in conjunction with the Company's Retail Electric Service Rates, for a Customer-Generator. The customer's generating system must be manufactured, installed and operated in accordance with governmental and industry standards and must fully conform with the Company's current interconnection standards as approved by the Public Service Commission of South Carolina.

This rider is available on a first come, first serve basis until the total nameplate generating capacity of net energy metering systems equals 2% of the previous five-year average of the Company's South Carolina retail electric peak demand.

## CHARACTER OF SERVICE

The applicable character of service is specific to the rate schedule that the customer receives service under.

## RATE PER MONTH

The applicable rate per month shall be from the appropriate rate schedule as referenced in the availability section above. The monthly bill shall be determined as follows:

**For electric service under a time-of-use rate schedule:**

1. The basic facilities charge shall be determined and billed as set forth in the applicable rate schedule as described in the Availability section above.
2. Any demand charges shall be determined and billed as set forth in the applicable rate schedule as described in the Availability section above.
3. If a customer-generator's energy consumption exceeds the electricity provided by the customer-generator during a monthly billing period, the customer-generator shall be billed in kWh for the net electricity supplied by the Utility.

If a customer-generator's energy generation exceeds the electricity provided by the Utility during a monthly billing period, the customer-generator shall be credited for the excess kWh generated during that billing period.

Energy charges (or credits) shall be based on the rates in the applicable rate schedules as described in the availability section above. For on-peak energy, the customer's monthly usage amount in kilowatt-hours shall be reduced by the total of (a) any on-peak excess energy delivered to the Company in the current month plus (b) any accumulated on-peak excess energy balance remaining from prior months. Total on-peak energy in kilowatt-hours billed to customers shall never be less than zero. For off-peak energy, the customer's monthly usage shall be reduced by the total of (a) any off-peak excess energy delivered to the Company in the current month plus (b) any accumulated off-peak excess energy balance remaining from prior months plus (c) any accumulated on-peak excess energy balance from the current month or prior months that was not used to reduce on-peak usage. Total off-peak energy in kilowatt-hours billed to customers shall also never be less than zero. For any billing month during which excess energy exceeds the customer's usage in total, producing a net credit, the respective energy charges for the billing month shall be zero. Any excess energy credits shall carry forward on the following month's bill by first applying excess on-peak kWh against on-peak kWh charges and excess off-peak kWh against off-peak kWh charges, then applying any remaining on-peak kWh against any remaining off-peak kWh charges. Credits shall not offset the basic facilities charge or the demand charge for the applicable rate schedule.

4. Excess energy not used in the current billing month to reduce billed kWh usage shall be accumulated and used to reduce usage in future months. For all affected billing statements rendered during November billing cycles, any accumulated excess energy not used to reduce billed kWh usage shall be paid to the customer-generator at the Company's avoided cost, zeroing out the customer generator's account of excess energy. The avoided cost is the off-

**RIDER TO RETAIL RATES****SECOND NET ENERGY METERING FOR  
RENEWABLE ENERGY FACILITIES ("NEM")**  
(Page 2 of 4)

peak winter energy credit as approved in the Company's Rate PR-1, Small Power Production and Cogeneration schedule.

**For electric service under a standard, non time-of-use rate schedule:**

1. The basic facilities charge shall be determined and billed as set forth in the applicable rate schedule as described in the Availability section above.
2. Any demand charges shall be determined and billed as set forth in the applicable rate schedule as described in the Availability section above.
3. If a customer-generator's energy consumption exceeds the electricity provided by the customer-generator during a monthly billing period, the customer-generator shall be billed in kWh for the net electricity supplied by the Utility.

If a customer-generator's energy generation exceeds the electricity provided by the Utility during a monthly billing period, the customer-generator shall be credited for the excess kWh generated during that billing period.

Energy charges (or credits) shall be based on the rates in the applicable rate schedules as described in the availability section above. For purposes of calculating monthly energy, the customer's usage shall be reduced by the total of (a) any excess energy delivered to the Company in the current month plus (b) any accumulated excess energy balance remaining from prior months. Total energy in kilowatt-hours billed to customers shall never be less than zero. For any billing month during which excess energy exceeds the customer's usage in total, producing a net credit, the respective energy charges for the billing month shall be zero. Credits shall not offset the basic facilities charge or the demand charge for the applicable rate schedule.

4. Excess energy not used in the current billing month to reduce billed kWh usage shall be accumulated and used to reduce usage in future months. For all affected billing statements rendered during November billing cycles, any accumulated excess energy not used to reduce billed kWh usage shall be paid to the customer-generator at the Company's avoided cost, zeroing out the customer generator's account of excess energy. The avoided cost is the off-peak winter energy credit as approved in the Company's Rate PR-1, Small Power Production and Cogeneration schedule.

**MINIMUM CHARGE**

The monthly minimum charge shall be the basic facilities charge plus the demand charge, if any, as stated in the applicable rate.

**DEFINITIONS**

1. Customer-Generator means the owner, operator, lessee, or customer-generator lessee of an electric energy generation unit which:
  - (A) generates electricity from a Renewable Energy Resource;
  - (B) has an electrical generating system with a capacity of:
    - (i) not more than the lesser of one thousand kilowatts (1,000 kW AC) or one hundred percent (100%) of contract demand if a non-residential customer; or
    - (ii) not more than twenty kilowatts (20 kW AC) if a residential customer;
  - (C) is located on a single premises owned, operated, leased, or otherwise controlled by the customer;
  - (D) is interconnected and operates in parallel phase and synchronization with an electrical utility and complies with the applicable interconnection standards;
  - (E) is intended primarily to offset part or all of the customer-generator's own electrical energy requirements; and
  - (F) meets all applicable safety, performance, interconnection, and reliability standards established by the commission, the National Electrical Code, the National Electrical Safety Code, the Institute of Electrical and Electronics Engineers, Underwriters Laboratories, the federal Energy Regulatory Commission, and any local governing authorities.
2. Renewable Energy Resource means solar photovoltaic and solar thermal resources, wind resources, hydroelectric resources, geothermal resources, tidal and wave energy resources, recycling resources, hydrogen fuel derived from renewable resources, combined heat and power derived from renewable resources, and biomass resources.

**RIDER TO RETAIL RATES****SECOND NET ENERGY METERING FOR  
RENEWABLE ENERGY FACILITIES ("NEM")**

(Page 3 of 4)

3. Retail Electric Service Rates shall mean Rates 1, 2, 3, 5, 6, 7, 8, 9 (metered), 11, 12, 13, 14, 16, 20, 21, 21A, 22, 23, 24, and 28.
4. Excess energy delivered to the Company shall be defined as energy produced by the customer's renewable energy generating facility that exceeds the energy delivered by the Company during a given time period. This excess energy shall be used to reduce energy delivered and billed by the Company during the current or a future month, as provided in the Rate Per Month section above.
5. The On-Peak and Off-Peak periods shall be defined in the applicable time-of-use rate schedules.

**GENERAL PROVISIONS**

1. To qualify for this rider, the customer must first qualify for and be served on one of the rate schedules as described in the availability section above. The customer must also meet all other qualifications as outlined in the availability section above.
2. All provisions of the applicable rate schedules described above including, but not limited to Billing Demand, Determination of On- and Off-Peak Hours, Adjustment for Fuel Costs, Demand Side Management Component, Pension Costs Component, Storm Damage Component, Sales and Franchise Tax, Payment Terms, and Special Provisions will apply to service supplied under this rider.
3. Customers electing service under this NEM Rider are eligible to remain on the Rider until December 31, 2025, or until such time as the customer elects to terminate service under the Rider, whichever occurs first. The rates set forth here are subject to Commission Order No. 2015-194 in Docket No. 2014-246-E entered under the terms of S.C. Code § 58-40-20(F)(4). Eligibility for this rate will terminate as set forth in Order No. 2015-194. The value of distributed energy resource generation shall be computed using the methodology contained in Commission Order No. 2015-194 in Docket No. 2014-246-E and updated annually coincident in time with the Company's filing in the fuel clause. The value beginning on, during, and after the first billing cycle of April 2020 is \$0.03522 per kWh.
4. Service on this NEM Rider will be closed to new participants as of January 1, 2021, or after statutory caps described in S.C. Code Ann. § 58-39-130 have been reached, whichever occurs first.
5. When no contract demand level is available for a non-residential customer, connected load as determined by the Company shall be used as a proxy for contract demand when determining the capacity of the electrical generating system.
6. Customers who elect NEM service after January 1, 2021, will receive service in accordance with the NEM tariff in effect at the time at which the customer requests NEM service.
7. Customers served under this rider are not eligible for the Company's Small Power Production, Cogeneration Rate PR-1.
8. The customer must execute an application to interconnect generation and an interconnection agreement prior to receiving service under this rider.
9. The Company will retain ownership of Renewable Energy Credits ("RECs").
10. In the event the Company determines that it is necessary to increase the capacity of facilities beyond those required to serve the Customer's electrical requirement or to install a dedicated transformer or other equipment to protect the safety and adequacy of electric service provided to other customers, the Customer shall pay the estimated cost of the required transformer or other equipment above the estimated cost which Company would otherwise have normally incurred to serve the Customer's electrical requirement, in advance of receiving service under this Rider.

**RIDER TO RETAIL RATES****SECOND NET ENERGY METERING FOR  
RENEWABLE ENERGY FACILITIES ("NEM")**  
(Page 4 of 4)**SPECIAL PROVISIONS**

The Company will furnish service in accordance with its standard specifications. Non-standard service will be furnished only when the customer pays the difference in costs between non-standard service and standard service or pays to the Company its normal monthly facility charge based on such difference in costs.

**METERING REQUIREMENTS**

Customer must furnish, install, own, and maintain a meter socket to measure 100% of the Customer's generator output and that is connected on the Customer's side of the delivery point. Company will furnish, install, own, and maintain a generation meter. Company will also furnish, install, own and maintain a bi-directional billing meter to measure the kWh delivered from Company to Customer and to measure kWh received from Customer by Company. The billing meter will be configured for demand and/or time-of-use measurement as required by the applicable rate. All metering shall be at a location that is approved by the Company. At Company's sole option, the generator meter requirement may be waived for customers served under a net metering rider on or before December 31, 2015.

**TERM OF CONTRACT**

Contracts shall be for a period not to exceed the term of the contract under which the customer currently receives electric service. There shall be a separate contract for each meter at each location.

**GENERAL TERMS AND CONDITIONS**

The Company's General Terms and Conditions are incorporated by reference and are part of this rider.



**EXHIBIT 2**

See attached.

**RIDER TO RETAIL RATES****THIRD NET ENERGY METERING FOR  
RENEWABLE ENERGY FACILITIES ("NEM")**  
(Page 1 of 4)**AVAILABILITY**

This rider is available in conjunction with the Company's Retail Electric Service Rates, for a Customer-Generator who applies for NEM service from May 17, 2019, through May 31, 2021. The customer's generating system must be manufactured, installed and operated in accordance with governmental and industry standards and must fully conform with the Company's current interconnection standards as approved by the Public Service Commission of South Carolina.

**CHARACTER OF SERVICE**

The applicable character of service is specific to the rate schedule that the customer receives service under.

**RATE PER MONTH**

The applicable rate per month shall be from the appropriate rate schedule as referenced in the availability section above. The monthly bill shall be determined as follows:

**For electric service under a time-of-use rate schedule:**

1. The basic facilities charge shall be determined and billed as set forth in the applicable rate schedule as described in the Availability section above.
2. Any demand charges shall be determined and billed as set forth in the applicable rate schedule as described in the Availability section above.
3. If a customer-generator's energy consumption exceeds the electricity provided by the customer-generator during a monthly billing period, the customer-generator shall be billed in kWh for the net electricity supplied by the Utility.

If a customer-generator's energy generation exceeds the electricity provided by the Utility during a monthly billing period, the customer-generator shall be credited for the excess kWh generated during that billing period.

Energy charges (or credits) shall be based on the rates in the applicable rate schedules as described in the availability section above. For on-peak energy, the customer's monthly usage amount in kilowatt-hours shall be reduced by the total of (a) any on-peak excess energy delivered to the Company in the current month plus (b) any accumulated on-peak excess energy balance remaining from prior months. Total on-peak energy in kilowatt-hours billed to customers shall never be less than zero. For off-peak energy, the customer's monthly usage shall be reduced by the total of (a) any off-peak excess energy delivered to the Company in the current month plus (b) any accumulated off-peak excess energy balance remaining from prior months plus (c) any accumulated on-peak excess energy balance from the current month or prior months that was not used to reduce on-peak usage. Total off-peak energy in kilowatt-hours billed to customers shall also never be less than zero. For any billing month during which excess energy exceeds the customer's usage in total, producing a net credit, the respective energy charges for the billing month shall be zero. Any excess energy credits shall carry forward on the following month's bill by first applying excess on-peak kWh against on-peak kWh charges and excess off-peak kWh against off-peak kWh charges, then applying any remaining on-peak kWh against any remaining off-peak kWh charges. Credits shall not offset the basic facilities charge or the demand charge for the applicable rate schedule.

4. Excess energy not used in the current billing month to reduce billed kWh usage shall be accumulated and used to reduce usage in future months. For all affected billing statements rendered during November billing cycles, any accumulated excess energy not used to reduce billed kWh usage shall be paid to the customer-generator at the Company's avoided cost, zeroing out the customer generator's account of excess energy. The avoided cost is the off-peak winter energy credit as approved in the Company's Rate PR-1, Small Power Production and Cogeneration schedule.

**RIDER TO RETAIL RATES****THIRD NET ENERGY METERING FOR  
RENEWABLE ENERGY FACILITIES ("NEM")**  
(Page 2 of 4)**For electric service under a standard, non time-of-use rate schedule:**

1. The basic facilities charge shall be determined and billed as set forth in the applicable rate schedule as described in the Availability section above.
2. Any demand charges shall be determined and billed as set forth in the applicable rate schedule as described in the Availability section above.
3. If a customer-generator's energy consumption exceeds the electricity provided by the customer-generator during a monthly billing period, the customer-generator shall be billed in kWh for the net electricity supplied by the Utility.

If a customer-generator's energy generation exceeds the electricity provided by the Utility during a monthly billing period, the customer-generator shall be credited for the excess kWh generated during that billing period.

Energy charges (or credits) shall be based on the rates in the applicable rate schedules as described in the availability section above. For purposes of calculating monthly energy, the customer's usage shall be reduced by the total of (a) any excess energy delivered to the Company in the current month plus (b) any accumulated excess energy balance remaining from prior months. Total energy in kilowatt-hours billed to customers shall never be less than zero. For any billing month during which excess energy exceeds the customer's usage in total, producing a net credit, the respective energy charges for the billing month shall be zero. Credits shall not offset the basic facilities charge or the demand charge for the applicable rate schedule.

4. Excess energy not used in the current billing month to reduce billed kWh usage shall be accumulated and used to reduce usage in future months. For all affected billing statements rendered during November billing cycles, any accumulated excess energy not used to reduce billed kWh usage shall be paid to the customer-generator at the Company's avoided cost, zeroing out the customer generator's account of excess energy. The avoided cost is the off-peak winter energy credit as approved in the Company's Rate PR-1, Small Power Production and Cogeneration schedule.

**MINIMUM CHARGE**

The monthly minimum charge shall be the basic facilities charge plus the demand charge, if any, as stated in the applicable rate.

**DEFINITIONS**

1. Customer-Generator means the owner, operator, lessee, or customer-generator lessee of an electric energy generation unit which:
  - (A) generates or discharges electricity from a Renewable Energy Resource, including an energy storage device configured to receive electrical charge solely from an onsite Renewable Energy Resource;
  - (B) has an electrical generating system with a capacity of:
    - (i) not more than the lesser of one thousand kilowatts (1,000 kW AC) or one hundred percent (100%) of contract demand if a non-residential customer; or
    - (ii) not more than twenty kilowatts (20 kW AC) if a residential customer;
  - (C) is located on a single premises owned, operated, leased, or otherwise controlled by the customer;
  - (D) is interconnected and operates in parallel phase and synchronization with an electrical utility and complies with the applicable interconnection standards;
  - (E) is intended primarily to offset part or all of the customer-generator's own electrical energy requirements; and
  - (F) meets all applicable safety, performance, interconnection, and reliability standards established by the commission, the National Electrical Code, the National Electrical Safety Code, the Institute of Electrical and Electronics Engineers, Underwriters Laboratories, the federal Energy Regulatory Commission, and any local governing authorities.
2. Renewable Energy Resource means solar photovoltaic and solar thermal resources, wind resources, hydroelectric resources, geothermal resources, tidal and wave energy resources, recycling resources, hydrogen fuel derived from renewable resources, combined heat and power derived from renewable resources, and biomass resources.

**RIDER TO RETAIL RATES****THIRD NET ENERGY METERING FOR  
RENEWABLE ENERGY FACILITIES ("NEM")**  
(Page 3 of 4)

3. Retail Electric Service Rates shall mean Rates 1, 2, 3, 5, 6, 7, 8, 9 (metered), 11, 12, 13, 14, 16, 20, 21, 21A, 22, 23, 24, and 28.
4. Excess energy delivered to the Company shall be defined as energy produced by the customer's renewable energy generating facility that exceeds the energy delivered by the Company during a given time period. This excess energy shall be used to reduce energy delivered and billed by the Company during the current or a future month, as provided in the Rate Per Month section above.
5. The On-Peak and Off-Peak periods shall be defined in the applicable time-of-use rate schedules.

**GENERAL PROVISIONS**

1. To qualify for this rider, the customer must first qualify for and be served on one of the rate schedules as described in the availability section above. The customer must also meet all other qualifications as outlined in the availability section above.
2. All provisions of the applicable rate schedules described above including, but not limited to Billing Demand, Determination of On- and Off-Peak Hours, Adjustment for Fuel Costs, Demand Side Management Component, Pension Costs Component, Storm Damage Component, Sales and Franchise Tax, Payment Terms, and Special Provisions will apply to service supplied under this rider.
3. Customers electing service under this NEM Rider are eligible to remain on the Rider until May 31, 2029, or until such time as the customer elects to terminate service under the Rider, whichever occurs first. The rates set forth here are subject to Commission Order No. 2015-194 in Docket No. 2014-246-E. Eligibility for this rate will terminate as set forth in Order No. 2015-194. The value of distributed energy resource generation shall be computed using the methodology contained in Commission Order No. 2015-194 in Docket No. 2014-246-E and updated annually coincident in time with the Company's filing in the fuel clause. The value beginning on, during, and after the first billing cycle of April 2020 is \$0.03522 per kWh.
4. Service on this NEM Rider will be closed to new participants as of June 1, 2021.
5. When no contract demand level is available for a non-residential customer, connected load as determined by the Company shall be used as a proxy for contract demand when determining the capacity of the electrical generating system.
6. Customers who apply for NEM service after May 31, 2021, will receive service in accordance with the NEM tariff in effect at the time at which the customer requests NEM service.
7. Customers served under this rider are not eligible for the Company's Small Power Production, Cogeneration Rate PR-1.
8. The customer must execute an application to interconnect generation and an interconnection agreement prior to receiving service under this rider.
9. The Company will retain ownership of Renewable Energy Credits ("RECs").
10. In the event the Company determines that it is necessary to increase the capacity of facilities beyond those required to serve the Customer's electrical requirement or to install a dedicated transformer or other equipment to protect the safety and adequacy of electric service provided to other customers, the Customer shall pay the estimated cost of the required transformer or other equipment above the estimated cost which Company would otherwise have normally incurred to serve the Customer's electrical requirement, in advance of receiving service under this Rider.

**RIDER TO RETAIL RATES****THIRD NET ENERGY METERING FOR  
RENEWABLE ENERGY FACILITIES ("NEM")**  
(Page 4 of 4)**SPECIAL PROVISIONS**

The Company will furnish service in accordance with its standard specifications. Non-standard service will be furnished only when the customer pays the difference in costs between non-standard service and standard service or pays to the Company its normal monthly facility charge based on such difference in costs.

**METERING REQUIREMENTS**

Customer must furnish, install, own, and maintain a meter socket to measure 100% of the Customer's generator output and that is connected on the Customer's side of the delivery point. Company will furnish, install, own, and maintain a generation meter. Company will also furnish, install, own and maintain a bi-directional billing meter to measure the kWh delivered from Company to Customer and to measure kWh received from Customer by Company. The billing meter will be configured for demand and/or time-of-use measurement as required by the applicable rate. All metering shall be at a location that is approved by the Company. At Company's sole option, the generator meter requirement may be waived for customers served under a net metering rider on or before December 31, 2015.

**TERM OF CONTRACT**

Contracts shall be for a period not to exceed the term of the contract under which the customer currently receives electric service. There shall be a separate contract for each meter at each location.

**GENERAL TERMS AND CONDITIONS**

The Company's General Terms and Conditions are incorporated by reference and are part of this rider.

**EXHIBIT 3**

See attached.

PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

CLERK'S OFFICE

**REVISED NOTICE OF FILING AND HEARING AND PREFILE TESTIMONY DEADLINES**

**DOCKET NO. 2020-229-E**

**Dominion Energy South Carolina, Incorporated's Establishment of a Solar Choice Metering Tariff Pursuant to S.C. Code Ann. Section 58-40-20**

S.C. Code Ann. Section 58-40-20 (F)(1) states, "After notice and opportunity for public comment and public hearing, the commission shall establish a "solar choice metering tariff" for customer-generators to go into effect for applications received after May 31, 2021." S. C. Code Ann. Section 58-40-20 (F)(2) provides, "In establishing any successor solar choice metering tariffs, and in approving any future modifications, the commission shall determine how meter information is used for calculating the solar choice metering measurement that is just and reasonable in light of the costs and benefits of the solar choice metering program." Also, S. C. Code Ann. Section 58-40-20(F)(3) provides, in part, "A solar choice metering tariff shall include a methodology to compensate customer-generators for the benefits provided by their generation to the power system."

On September 16, 2020, the Public Service Commission of South Carolina (the Commission) issued Order No. 2020-622, and the Commission adopted the following procedural schedule regarding solar choice metering tariffs for Dominion Energy South Carolina, Incorporated ("DESC" or "the Company"):

December 15, 2020 – Company files Direct Testimony and Exhibits  
 January 15, 2021 – All Other Parties of Record and ORS prefile Direct Testimony and Exhibits  
 February 5, 2021 – Company files Rebuttal Testimony and Exhibits  
 February 12, 2021 – All Other Parties and ORS file Surrebuttal Testimony and Exhibits  
 February 23, 2021 – Hearing Beginning Date (hearing shall continue each day thereafter until completed)  
 March 9, 2021 – Proposed Orders Due  
 April 5, 2021 – Final Order Issued

Any person who wishes to participate in this matter as a Party of Record should file a Petition to Intervene in accordance with the Commission's Rules of Practice and Procedure on or before **January 15, 2021**, by filing the Petition to Intervene with the Commission, by providing a copy to the Office of Regulatory Staff and by providing a copy to all Parties of record. For the receipt of future Commission correspondence, please include an email address in the Petition to Intervene. ***Please refer to Docket No. 2020-229-E and mail a copy to all other Parties in this docket.*** Any person who seeks to intervene and who wishes to testify and present evidence at the hearing should notify, in writing, the Commission; the Office of Regulatory Staff at 1401 Main Street, Suite 900, Columbia, South Carolina 29201; and K. Chad Burgess, Esquire, DESC, 220 Operation Way – MC C222, Cayce, South Carolina 29033, on or before **January 15, 2021**. ***Please refer to Docket No. 2020-229-E.***

**PLEASE TAKE NOTICE** a hearing, pursuant to S.C. Code Ann. Regs. 103-817, on the above matter has been scheduled to begin on **Tuesday, February 23, 2021, at 10:00 a.m.**, before the Commission in the Commission's Hearing Room at 101 Executive Center Drive, Suite 100, Saluda Building, Columbia, South Carolina 29210 for the purpose of receiving testimony and evidence from all interested Parties. The hearing shall continue each day thereafter until completed.

**INSTRUCTIONS TO ALL PARTIES OF RECORD (Applicant, Petitioners, and Intervenors only):**

**\*\*** On or before **2/9/2021**, please provide the order of witnesses to be presented during the hearing, whether there is an objection to taking direct and rebuttal or surrebuttal testimony together during the hearing, and whether or not there is a desire to use panels of witnesses. **\*\***

All Parties of Record must prefile testimony with the Commission and with all Parties of Record. Prefiled Testimony Deadlines: Company's **Direct Testimony** Due: **12/15/2020**; Other Parties of Record **Direct Testimony** Due: **1/15/2021**; Company's **Rebuttal Testimony** Due: **2/5/2021**; and Other Parties of Record **Surrebuttal Testimony** Due: **2/12/2021**. All prefiled testimony deadlines are subject to the information as posted on [www.psc.sc.gov](http://www.psc.sc.gov) under **Docket No. 2020-229-E**.

For the most recent information regarding this docket, including changes in scheduled dates included in this Notice, please refer to [www.psc.sc.gov](http://www.psc.sc.gov) and *Docket No. 2020-229-E*.

**PLEASE TAKE NOTICE** that any person who wishes to have his or her comments considered as part of the official record of this proceeding **MUST** present such comments in person to the Commission during the hearing.

Persons seeking information about the Commission's procedures should contact the Commission at (803) 896-5100 or visit its website at [www.psc.sc.gov](http://www.psc.sc.gov).

12/17/20



**BEFORE**  
**THE PUBLIC SERVICE COMMISSION OF**  
**SOUTH CAROLINA**  
**DOCKET NO. 2020-229-E**

**IN RE:**

Dominion Energy South Carolina, Incorporated's )  
Establishment of a Solar Choice Metering Tariff )  
Pursuant to S.C. Code Ann. Section 58-40-20 )  
(See Docket No. 2019-182-E) )  
\_\_\_\_\_ )

**CERTIFICATE OF  
SERVICE**

This is to certify that I have caused to be served this day copies of **Dominion Energy South Carolina, Inc.'s Response in Opposition to Motion to Require Additional Notice and Establish a Public Participation Hearing** to the persons named below at the addresses set forth via U.S. First Class Mail and electronic mail:

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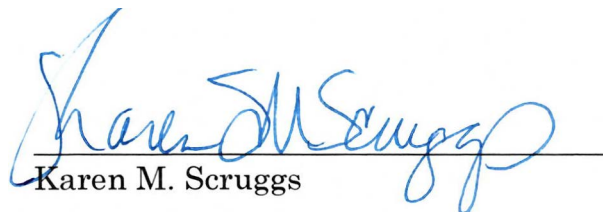
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Karen M. Scruggs

Columbia, South Carolina

This 4th day of January 2021